



MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF COMMISSIONERS
FOR THE
COUNTY OF LEE, STATE OF NORTH CAROLINA

OCTOBER 15, 2007

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3:00 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Robert H. Brown, James C. Kelly, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, Linda A. Shook, and Kirk D. Smith.

Chairman Brown called the meeting to order and the following business was transacted:

Rev. Rudy Holland and Rev. Tim Murr from Grace Chapel Church delivered the invocation and thanked the Board for their participation in the churches recent dedication service.

The pledge of allegiance was recited.

Commissioner Lemmond moved to accept the letter of agreement with Mr. Dwane Brinson, as the new Lee County Tax Administrator. Chairman Brown introduced Mr. Brinson and stated he would begin his new position on November 6, 2007.

The following new employees were introduced to the Board and presented with a County lapel pin:

Health Department	Ashley Boni
	Paige Salyer-Byrd
	Pamela Glover

Tax Department	Dwane Brinson (Tax Administrator)
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The Board considered additions/changes to the agenda. Chairman Brown stated he was switching items A and B under New Business. Commissioner Reives stated the Finance Committee meeting that was to be held immediately following the regular meeting had been cancelled. He asked that a Community Development matter be discussed concerning CDBG funding for FY 2005. Commissioner Lemmond asked that the item listed on the Consent Agenda concerning the sale of surplus voting equipment to MicroVote be pulled for discussion. Commissioner Kelly moved to approve the above revisions to the agenda. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Kelly moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve the Consent Agenda as presented, which consisted of the following items:

- Minutes from the October 1, 2007 regular meeting;
- Minutes from the October 1, 2007 closed session;
- Tax Releases and Refunds for September 2007 (copy attached);
- Acceptance of \$200.00 bid for an 8.8 feet x 60 feet strip of land on Fields Drive between Little Galilee Holiness Church and the American Legion Post No. 237;
- Budget Amendment # 10/15/07/#08 (copy attached); and
- Applications for lottery funds and ADM funds for the Board of Education (copies attached).

Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The following individuals signed up to speak during the *Public Comments* section of the meeting:

- Mr. Walter Perry, 5676 Jefferson Davis Highway - Asked the Board to consider naming a section of the 421 by-pass after veterans (Veterans Memorial Drive);
- Mr. Bobby Powell, 909 Gilmore Drive - Asked the Board to approve the naming of a section of the 421 by-pass after Mr. Oscar A. Keller, Jr.;
- Mr. Don Godfrey, 3668 Avents Ferry Road - Asked the Board to consider a referendum for alcohol sales in certain townships in Lee County; and
- Mr. Ray Pavlik, VFW Post 5631 Commander - Asked the Board to consider naming the 421 by-pass after the many local veterans that have served in the armed forces.

The Board considered a Resolution to name a portion of the new 421 by-pass in honor of Lee County native Oscar A. Keller, Jr. County Manager John Crumpton told the Board the Executive Committee of the Lee County Economic Development Corporation recommended a portion of the 421 by-pass around Sanford be named after Mr. Oscar A. Keller, Jr., who has spent

much time working behind the scenes to assist with building and improving roads in Lee County. The Executive Committee feels that Mr. Keller is very deserving of this honor. The City of Sanford will also be considering a similar resolution at their October 16, 2007 meeting. If approved, the resolution will be forwarded to the Department of Transportation for consideration. After some discussion, Commissioner Reives moved to approve a *Resolution Requesting the Board of Transportation Name A Portion of the 421 By-Pass From US 1 to NC 42 In Honor of Oscar A. Keller, Jr.*, a copy of which is attached to these minutes and by this reference made a part hereof. After some discussion, Commissioner Shook moved to table the matter and let the public have more input into the naming of the by-pass. Upon a vote of the tabled motion, the results were as follows:

Aye: Paschal, Shook, and Smith
Nay: Brown, Kelly, Lemmond, and Reives

The Chairman ruled the motion had been defeated by a four to three vote.

Upon a vote of the original motion to approve the resolution, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, and Reives
Nay: Shook and Smith

The Chairman ruled the motion had been adopted by a five to two vote.

The Board considered a tax appeal request from Patel Partnerships, Inc. (d/b/a Days Inn and Econo Lodge). Ms. Janet Smith, Attorney from Robbins May & Rich LLP spoke on behalf of Mr. Dipak Patel who owns the two above referenced hotels which are located in Sanford. Approximately \$42,000.00 is owed in penalties for failure to file and pay a 3% occupancy tax for rentals at his businesses in February, March, May, July, August and December 2006. Ms. Smith stated Mr. Patel's failure to pay was the result of a clerical error by a new employee. According to law, revenue resulting from fines and forfeitures go to the local Board of Education. School Board Attorney Jimmy Love, Sr., objected to any relief being given to Mr. Patel "on basis of fact." After some discussion, Commissioner Reives moved to deny Mr. Patel's request to waive approximately \$42,000.00 in penalties for failure to file and pay occupancy tax during 2006. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives discussed FY 2005 Community Development Block Grant funds. On August 13, 2007, the Finance Committee tabled a request from the Community Development Office until a written request was received asking that the Department of Community Assistance be notified that Lee County would not be participating in the FY 2005 Community Development Block Grant funding cycle. Community Development staff felt that due to problems encountered with the FY 2002 project, the County has not been able to access the FY 2005 funds. While the problems have been resolved with the 2002 project, the project cannot be closed until a financial statement for the year ending June 30, 2007 is received by the State, which will not be available until November. Funding for the 2005 cycle must be spent by December 31, 2007. Based on the timing for the closeout of the 2002 project, it does not appear the 2005 funds could be spent prior to December 31st; therefore, staff had asked a letter be sent to Division of Community Assistance

stating that Lee County would relinquish the FY 2005 grant funds. Commissioner Reives was troubled that Lee County would lose approximately \$400,000 in CDBG funds that could be used to renovate housing for low-income and needy families. Planner Karen Kennedy told the Board there would not be time to get bids and complete any projects before the end of the year. Ms. Kennedy stated that Lee County will still be eligible for 2008 funding. After some discussion, the Board referred the matter to County Manager John Crumpton to forward a letter to the Division of Community Assistance and ask for an extension on the 2005 funding request.

Commissioner Lemmond discussed the selling of un-used MicroVote voting equipment that had been pulled from the Consent Agenda. A bid had been received from MicroVote General Corp. to purchase the machines for \$34,000. Commissioner Lemmond stated the MicroVote machines were purchased by a previous board for approximately \$400,000. Board of Elections Director Nancy Kimble stated the State of Tennessee is the only known state still using this type voting machine. After some discussion, Commissioner Reives asked the Board of Elections to contact the State of Tennessee and see if they would be interested in buying the machines for more than the \$34,000 offered by MicroVote, and if so, to proceed with the sale. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Strategic Initiative Director Lesa Price discussed with the Board the recently formed City of Sanford/Lee County Youth Council. The first meeting of area youth to discuss the formation of a Youth Council was held in December 2006. A \$6,200 grant was received from the N. C. Civic Education Consortium, which provided two interns the opportunity to work in local government during the summer. Youth Council members have participated in various community events and Bylaws have been established. Wal-Mart recently presented a \$5,000 grant and an additional grant has been applied for with plans being discussed to develop a video project to include an oral history collection of military veterans from the Sanford-Lee County community. Landon Baucom, Chairman of the Youth Council discussed the organization with the Board. Commissioner Lemmond moved to approve the *Resolution to Recognize the Establishment of the City of Sanford/Lee County Youth Council*, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Finance Director Lisa Minter presented the *Monthly Financial Report* for the month ending September 30, 2007. Commissioner Smith moved to accept the financial report as presented. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the reaffirming of representatives to the BRAC RTF. County Manager John Crumpton stated that counties had been asked to reaffirm or appoint representatives to the BRAC RTF prior to the October 19, 2007 annual Board of Directors meeting. In February 2006 the Board of Commissioners appointed Commissioner Ed Paschal as the County representative, Mayor Cornelia Olive as the City of Sanford representative, and Commissioner Robert Reives as the alternate County member. In December 2006 Strategic Initiatives Director Lesa Price was appointed as a second alternate member to represent Lee County. Commissioner Kelly moved that Commissioner Ed Paschal, Mayor Cornelia Olive, Commissioner Robert Reives, and Strategic Initiatives Director Lesa Price be reappointed to serve as members of the BRAC RTF. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager John Crumpton introduced Mr. Russell Spivey as the new Director of General Services. Mr. Spivey has been employed with Lee County for twenty-five years.

Mr. Crumpton gave the Board an update on notification of taxpayers whose social security numbers may have been released in error by the Tax Department.

Mr. Crumpton asked the Board's approval to sign the appropriate documents for the State Bureau of Investigation to allow the Lee County Sheriff's Department to conduct background checks for employees and volunteers. Consensus of the Board was for Mr. Crumpton to handle the appropriate documents required.

Mr. Crumpton also informed the Board that military personnel from Fort Bragg will be in the City of Sanford for training November 26-30, 2007, with most of the training being completed at night.

Commissioners discussed recent requests for alcohol sales in various townships. County Attorney K. R. Hoyle was asked to prepare a resolution for the November meeting to consider placing this matter on the May primary for beer and wine sales in the Deep River, Cape Fear, and Greenwood Townships.

The Board considered meeting dates for the month of November 2007. After some discussion, Commissioner Lemmond moved to hold one meeting at 9:00 a.m., November 5, 2007. A special meeting will be called if public hearings with the Planning Board are required. Upon a vote, the results were as follows:

Aye: Brown, Kelly, Lemmond, Paschal, Reives, Shook, and Smith
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Brown recessed the meeting till 7:00 p.m.

The adjourned meeting of the Board of Commissioners reconvened in Courtroom #4 in the old Lee County Courthouse at 7:00 p.m. in keeping with the motion for adjournment with Commissioners Robert H. Brown, James C. Kelly, Jerry M. Lemmond, and Kirk D. Smith in

attendance. Commissioners Nathan E. Paschal, Robert T. Reives, and Linda A. Shook had been excused.

Chairman Brown noted that a quorum was present and called the meeting to order and declared the meeting open for the transaction of business.

Chairman Brown presided and the following business was transacted:

The Chairman announced the purpose of the meeting was to hold a public hearing on seven (7) proposed amendments to the Unified Development Ordinance (UDO). Assistant Director of Community Development Marshall Downey gave a brief description of each of the following amendments:

Amendment 1: Table 4.7-1 - add language to clarify that handicap ramps or other similar structures built in order to meet ADA compliance are exempt from setbacks.

Amendment 2: Sect. 5.1.3 – add language that clarifies that any accessory structure (deck, etc.) located within eighteen inches (18”) of a principal structure shall be required to meet the principal structure setbacks.

Amendment 3: Sec. 5.33 – add new third party consultant language for new cell tower SUP applications.

Amendment 4: Sec. 5.33 – add language about fall zone and update setback language for lattice towers.

Amendment 5: Sec. 5.34 – Temporary Uses (retail) temporary use permits – rewrite entire section to improve language and consolidate; more stringent time limits on retail recommended.

Amendment 6: Sec. 11.10 Temporary Banners – rewrite section to change “banners” to “signs” to cover all types of temporary sign materials. Essentially, this is simply a name change to remove and replace the term banner with the term sign.

Amendment 7: Sec. 12.5.2.1 Repair and Renovation of nonconformities – Revise language to refer to nonconforming structures and eliminate references to nonconforming uses. Nonconforming uses are addressed under Section 12.4.

During Mr. Marshall's summary the Commissioners requested that Amendment No. 3 be revised to reflect that the County would select a consultant rather than retain one and the applicant would have to pay the fee for the consultant's services. This amendment will require that Special Use Permit Applications for new telecommunication towers will be reviewed by an expert third-party consultant.

No one present spoke for or against the proposed amendments. After a reasonable period of time, Chairman Brown closed the public hearing.

There being no further business to come before the Board, Commissioner Lemmond moved the meeting be adjourned. Upon a vote, that was unanimously adopted, the meeting adjourned in keeping with the motion.

ATTEST:

Robert H. Brown, Chairman
Lee County Board of Commissioners

Gaynell M. Lee, Clerk